

Message Text

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PAGE 01 NEW DE 08524 271149Z

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ACTION NEA-07

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TO SECSTATE WASHDC 9499

C O N F I D E N T I A L NEW DELHI 8524

LIMDIS

E.O. 11652: GDS

TAGS: CASC, PFOR, IN

SUBJ: POSSIBLE RELEASE OF BRITISH NATIONAL ACCUSED OF
SEEKING TO OVERTHROW GOI; RELEVANCE TO HARCOS/
FLETCHER CASE

FOLLOWING TEL CALCUTTA 1427 DTD 26 JUNE 1975 SENT NEW
DELHI REPEATED YOU:

QUOTE

1. THE FOLLOWING IS REPORTED FOR YOUR BACKGROUND AND WHAT EVER
RELEVANCE IT MIGHT HAVE TO THE HARCOS FLETCHER CASE.

2. THE HINDUSTAN STANDARD OF JUNE 24 REPORTS FROM JAMSHEDPUR
(BIHAR) THAT MARY TYLER, A BRITSH NATIONAL, WHO IS DESCRIBED
AS HAVING BEEN ARRESTED ALONG WITH 51 NAXALITES FROM THE
RUAM FOREST IN SHINGHBHUM DISTRICT ABOUT FIVE YEARS AGO, MAY
BE FREED AND ALLOWED TO RETURN TO ENGLAND. ALTHOUGH MISS TYLER'S
TRAIL HAS JUST BEGUN, THE ARTICLE SAYS THAT THE GOVERNMENT OF
BIHAR IS WEIGHTING A PROPOSAL TO WITHDRAW CHARGES. MISS TYLER
IS ACCUSED OF PLOTTING WITH THE OTHER CO-ACCUSED TO
"WAGE A WAR AGAINST THE GOVERNMENT OF INDIA IN A BID TO OVERTHROW
IT". THE PROSECUTION ACCORDING TO THE ARTICLE, ALLEGES THAT SHE
HAD COLLECTED ARMS, AMMUNITION AND EXPLOSIVES FOR THIS PURPOSE.
MISS TYLER HAS PLEADED NOT GUILTY.

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PAGE 02 NEW DE 08524 271149Z

4. ON JUNE 25 CONOFF ASKED THE CONSULAR OFFICER OF THE BRITISH DEPUTY HIGH COMMISSION HERE, JOHN PERROTT, ABOUT THE TYLER CASE. PERROTT WAS WILLING TO DISCUSS THE CASE WITH CONOFF BUT ASKED THAT WHAT HE SAID BE HELD IN CONFIDENCE AND NOT RPT NOT BE DISCUSSED WITH THE BRITISH IN NEW DELHI OR ELSEWHERE, AND THAT HE NOT BE QUOTED AS THE SOURCE OF INFORMATION ON THE TYLER CASE. PERROTT SAID THE CASE HAD DRAGGED ON FOR FIVE YEARS, MAINLY BECAUSE THE PUBLIC PROSECUTOR IS "A CROOK", AND IS PROFITING FROM THE CONTINUATION OF THE TRIAL. THE POSSIBILITY OF MISS TYLER'S RELEASE HAS ARISEN AS A RESULT OF A DIRECT APPEAL FROM THE UK FOREIGN SECRETARY TO MRS. GANDHI ASKING HER TO RESOLVE THE MATTER PERROTT WAS OBVIOUSLY RELUCTANT TO GIVE DETAILS ON THIS). PERROTT NOTED THAT NAXALITES WERE SELDOM IF EVER BROUGHT TO TRIAL AND THIS TRIAL WAS TAKING PLACE ONLY BECAUSE OF THE INVOLVEMENT OF A BRITISH NATIONAL. HE SAID THAT PRIOR TO THE MESSAGE FROM THE FOREIGN MINISTER CONSTANT PRESSURE FROM THE HIGH COMMISSION IN NEW DELHI OVER A LONG PERIOD OF TIME BORE NO RESULTS.

5. PERROTT WAS GRADUALLY OPTIMISTIC THAT CHARGES WOULD BE WITHDRAWN SOON AND MISS TYLER WOULD BE DEPORTED BUT IF THE CHARGES ARE NOT WITHDRAWN HE EXPECTS THE TRIAL TO LAST ANYWHERE FROM SIX TO EIGHTEEN MONTHS.

6. WHILE THERE ARE OBVIOUS SIMILARITIES BETWEEN THE HARCOS AND FLETCHER AND THE TYLER CASES (I.E., LONG DELAY BEFORE GOING TO TRIAL, INVOLVEMENT OF FOREIGN NATIONALS, CONCERN OF FOREIGN GOVERNMENTS, ETC.) THERE ARE TWO IMPORTANT DIFFERENCES. ONE IS THAT HARCOS AND FLETCHER ARE BEING TRIED UNDER THE OFFICIAL SECRETS ACT WHICH ALLOWS A GUILTY VERDICT ON THE PRESUMPTION OF GUILT; MISS TYLER IS BEING TRIED UNDER THE INDIAN PENA 1 CODE. MORE IMPORTANTLY, HARCOS AND FLETCHER ARE BEING TRIED IN WEST BENGAL WHICH HAS A LONG AND INVOLVED HISTORY OF LEFT-WING RADICALISM. THIS MAKES THE WITHDRAWAL OF CHARGES MORE DIFFICULT THAN IN BIHAR, WHERE THE CONGRESS PARTY WOULD BE LESS EXPOSED ON AN ISSUE OF THIS SORT.

8. THIS NOT WITHSTANDING, IF MISS TYLER IS RELEASED AFTER HAVING BEEN HELD FOR FIVE YEARS AND ACCUSED OF "WAGING WAR AGAINST THE GOI- IT COULD BE SEEN AS A PRECEDENT OF SORTS WHICH WE MIGHT USE IN THE CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NEW DE 08524 271149Z

HARCOS AND FLETCHER CASE. AT THE MOMENT IT SEEMS TO US TOO EARLY TO ATTEMPT SUCH USE; FURTHERMORE TO BRING THE TYLER CASE UP NOW WITH THE GOI MIGHT WELL JEOPARDIZE BRITISH PROSPECTS FOR OBTAININ HER RELEASE. BUT IT IS SOMETHING WE MIGHT HAVE IN MIND. WE WILL KEEP YOU INFORMED OF DEVLOPMENTS IN THE TYLER CASE. KORN UNQUOTE
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